

APR 10 2007

FILED
CLERK'S OFFICE

DOCKET NO. 1789

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE FOSAMAX PRODUCTS LIABILITY LITIGATION

Frances Short v. Merck & Co., Inc., E.D. Louisiana, C.A. No. 2:07-1426

Henry J. Augustus, IV v. Merck & Co., Inc., M.D. Louisiana, C.A. No. 3:07-188

Willa Scott v. Merck & Co., Inc., M.D. Louisiana, C.A. No. 3:07-198

Frances Robertson, et al. v. Merck & Co., Inc., N.D. Mississippi, C.A. No. 2:07-27

CONDITIONAL TRANSFER ORDER (CTO-18)

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 42 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

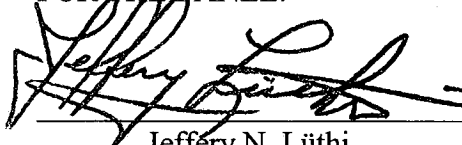
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

APR 26 2007

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

INVOLVED COUNSEL LIST (CTO-18)

DOCKET NO. 1789

IN RE FOSAMAX PRODUCTS LIABILITY LITIGATION

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INVOLVED JUDGES LIST (CTO-18)

DOCKET NO. 1789

IN RE FOSAMAX PRODUCTS LIABILITY LITIGATION

Hon. Eldon E. Fallon
U.S. District Judge
C-456 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130

Hon. James J. Brady
U.S. District Judge
369 Russell B. Long Federal Bldg.
777 Florida Street
Baton Rouge, LA 70801

Hon. Ralph E. Tyson
Chief Judge, U.S. District Court
301 Russell B. Long Fed. Bldg.
777 Florida Street
Baton Rouge, LA 70801-1712

Hon. Michael P. Mills
U.S. District Judge
335 Federal Bldg. & U.S. Courthouse
911 Jackson Avenue, West
Oxford, MS 38655

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

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APR 30 2007

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

April 26, 2007

J. Michael McMahon, Clerk
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: MDL-1789 -- In re Fosamax Products Liability Litigation

(See Attached CTO-18)

Dear Mr. McMahon:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on April 10, 2007. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By *Dana L. Stewart*
Deputy Clerk

Attachment

cc: Transferee Judge: Judge John F. Keenan
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: Loretta G. Whyte; Lawrence Talamo; David Crews